

"AFRICA: FROM HUMAN WRONGS TO HUMAN RIGHTS"

«L'AFRIQUE: DE LA MÉCONNAISSANCE À LA RECONNAISSANCE DES DROITS DE L'HOMME»

CHRISTOF HEYNS
AFRICAN HUMAN RIGHTS
MOOT COURT COMPETITION

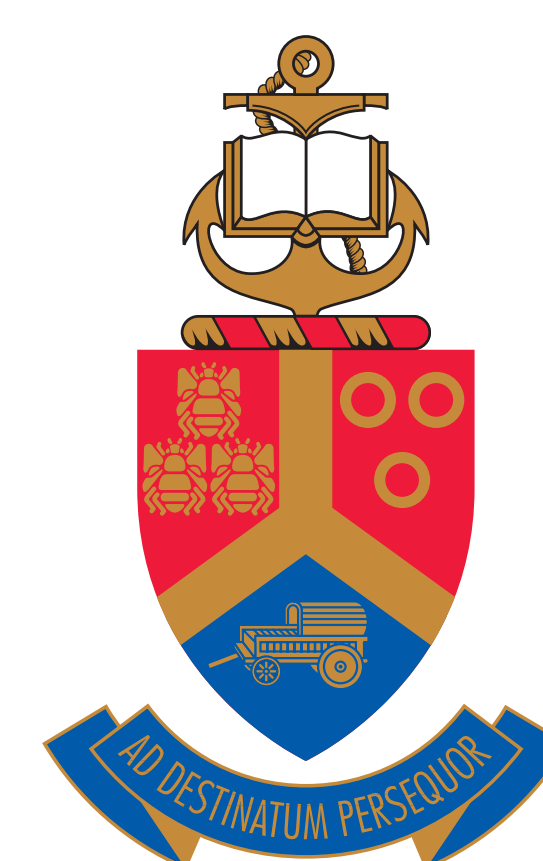
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CONCURSO AFRICANO DE
JULGAMENTO FICTÍCIO SOBRE
DIREITOS HUMANOS



2024

K i g a l i
R W A N D A
22-27 JULY 2024



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
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www.chr.up.ac.za/moot



Centre for
Human Rights
UNIVERSITY OF PRETORIA



Organised by the

CENTRE FOR HUMAN RIGHTS,
UNIVERSITY OF PRETORIA
In collaboration with
UNIVERSITY OF RWANDA

33RD CHRISTOF HEYNS AFRICAN HUMAN RIGHTS MOOT COURT COMPETITION

UNIVERSITY OF RWANDA

22 – 27 JULY 2024

KIGALI, RWANDA

OFFICIAL RULES

1 GENERAL

Since 1992, the Centre for Human Rights (CHR) at the Faculty of Law of the University of Pretoria, has been organising the Christof Heyns African Human Rights Moot Court Competition (Moot) in partnership with a host university on the continent. Held in a different African country each year, this week-long event has become the largest annual meeting on the African legal calendar and one of the premier events on human rights in Africa. Teams of students from African law faculties argue a hypothetical case before benches of law lecturers and human rights experts as if they were before the actual African Court on Human and Peoples' Rights.

1.1 Host

The 33rd Christof Heyns African Human Rights Moot Court Competition (Competition) will be hosted by the University of Rwanda (UR) from 22 to 27 July 2024. The administrative authority over the Competition rests with the Steering Committee, which comprises an equal number of representatives from CHR, UR and whomever else they wish to co-opt.

1.2 Composition of panels of judges

The judges in the preliminary rounds of the Competition are panels consisting of representatives of the participating law schools, law faculties or law departments (faculty representatives). 'Faculty representatives' should ideally be human rights law lecturers, or, should at the very **have a legal background**. If the Steering Committee considers that the number of judges in a particular court is insufficient, or considers it necessary for any other operational reason, additional judges (other than faculty representatives) may be used.

In the quarterfinal and semi-final rounds, the Steering Committee designates judges from among senior faculty representatives and other experts in human rights law.

In the final round, the judges are experts in international law and human rights as composed by the Steering Committee. The Steering Committee may also appoint other similarly qualified individuals as additional judges.

1.3 Official programme

The Steering Committee issues an official programme for the Competition at the start of the Competition, indicating the time and venue of each session and the various other activities that will take place during the Moot week.

1.4 Problem to be argued

A hypothetical case or problem is posed for argument by the Organisers and is made available to participants in advance.

1.5 Preliminary rounds

All participating teams take part in the preliminary rounds. Preliminary rounds are argued before the faculty representatives mentioned in 1.2.

In the preliminary rounds a team argues the problem **four times (twice as applicant and twice as respondent)**. The preliminary rounds are conducted separately and concurrently in English, French, and Portuguese.

1.6 Determination of opposing teams

Opponent teams in the preliminary rounds are determined by draw of lots at the start of the Competition and announced after the Opening Ceremony on **22 July 2024**. The final number of teams competing in the preliminary rounds is determined at the time of the draw. It is the responsibility of teams to ensure that they arrive in Kigali on time to be part of the draw of lots. **Teams must arrive by 21 July 2024**. Teams or students who arrive after the preliminary rounds had started may be disqualified.

The top performing teams in each language group are announced after completion of the preliminary rounds.

1.7 Quarter final rounds

Provided that there are at least 18 Anglophone teams, 6 Francophone teams and 6 Lusophone teams participating in the preliminary rounds, the 8 Anglophone, 4 Francophone, and 4 Lusophone teams awarded the highest average marks in the preliminary rounds advance to and compete in the quarter-final rounds, which are held separately in English, French, and Portuguese.

Should less than 6 Francophone and 4 Lusophone teams participate in the preliminary rounds, no quarter-finals is held for these language groups. In that event, the top 2 teams in the preliminary rounds from each of the above-mentioned language groups proceed to the semi-final rounds.

Lots are drawn to pair the opposing teams during the quarter-final round, and to determine who will argue the case for the applicant and respondent.

Should circumstances so require, the Steering Committee may make amendments to the rules pertaining to the conduct of the quarter-final rounds. Should more than 20 teams participate in any language group, the Steering Committee may designate a 'round of 16', to serve as a basis to identify the 8 teams to proceed to the quarter-finals.

1.8 Semi-final rounds

The teams winning each of the quarter-final rounds advance to the semi-final rounds, to determine the teams to advance to the final round. Two Anglophone semi-final rounds, one Francophone, and one Lusophone semi-final round is held.

Should circumstances so require, the Steering Committee may make amendments to the rules pertaining to the conduct of the semi-final rounds.

Lots are drawn to pair the opposing teams during the semi-final round, and to determine which team argues the case for the applicant, and which for the respondent.

1.9 Final round

A total of 4 teams advance to the final round. The 2 Anglophone teams awarded the highest marks in the semi-final rounds, and the winners of the Francophone and Lusophone semi-final rounds advance to the final round.

Two combined final-round teams, each consisting of 2 teams, are joined to argue the case in the final round. The composition of the final round teams is determined by the draw of lots. The side to be argued by each team is also determined by the draw of lots. Every member of each combined team must present oral arguments during the final round. The combined final-round team with the highest points is the winner of the Moot Competition.

Should circumstances so require, the Steering Committee may make amendments to the rules pertaining to the conduct of the final round, specifically, to the language composition of the teams.

1.10 Moot website

All official documentation on the Moot and other practical information necessary for the teams' preparation ahead of the Competition in Kigali are available on the Moot website: www.chr.up.ac.za/moot

2 SCHOOL ELIGIBILITY

All law schools/faculties from the African continent are eligible to participate in the Competition. Each eligible school / faculty may enter only one team in the Competition. **If the school's curriculum is bilingual (Anglophone / Francophone / Lusophone) the school / faculty may enter one team per language group.**

3 TEAM MEMBER ELIGIBILITY

3.1 Team members must be law students

Only students studying for their **first law degree** are eligible to participate in the Competition. For the purposes of the Competition, the LLB degree, the *Licence en Droit* or the *Licenciatura em Direito* are considered a first law degree. The Steering Committee has the authority to make a ruling on the question whether a particular degree should be considered a first degree. A team member must be a full-time or part-time student at one of the participating institutions during the calendar year of the competition. **The following categories of persons are prohibited from taking part in the Moot: legal practitioners, judicial officers and persons already holding a first degree in law (LLB, *Licence en Droit* or *Licenciatura em Direito*).**

3.2 Team members may participate only once

No team member (student) may participate in the Competition more than once.

4 ASSISTANCE

Assistance rendered to a team in the preparation of its case, including from faculty members, must be limited to a general discussion of issues, suggestions as to research sources and decision-making. Assistance which would interfere with the presentation being substantially the original work of the team members is strictly prohibited.

5 TEAM SELECTION

A faculty or school's team is composed of two student members only, preferably of different sexes and/or genders. Team members should be chosen by a democratic and transparent method approved by the responsible authority within the school or faculty. For the purposes of the Competition, notice to one team member will constitute notice to all team members. The same two students who registered at

the start must participate throughout the competition. No additional team members are allowed to participate in the Competition. Teams may however be accompanied by 'observers' (who are not official team members and do not form part of the team).

6 MEMORIALS

Each team prepares separate memorials (heads of argument or written pleadings) in support of the case: one set of arguments for the Applicant and another set of arguments for the Respondent.

6.1 Memorial general format

Each memorial is composed of the following:

- A standard cover page which must be identical in style and content as Appendix B (template will be available on the webpage under "Documents"). **The cover page should not carry any mark that identifies the team, such as the name of university or names of team members. Only the team's unique number should be provided on the cover page.**
- The memorial should be composed as follows:
 - A one-page summary, stating the main arguments in brief
 - Arguments, not exceeding **5,000** words including footnotes, if these are used, and cases
 - It is not necessary to include a table of contents, which will, if included in the memorial, form part of the overall 5,000-word count.

Spacing: Double-spaced

Form: Typewritten

Margins: Top: 2cm, Bottom: 2cm, Left: 2cm, Right: 2cm

Format: **Memorials should be submitted in Microsoft Word, not PDF**

Font type: Arial

Font size: 12

Failure to meet these requirements will lead to penalisation.

6.2 Submission of memorials

One copy of the memorials for each side (one for the Applicant and one for the Respondent) should be submitted, to reach the organisers on or before **30 June 2024**. Memorials should be sent as attachments to an email message, to the following address: yusuf.sayaad@up.ac.za

Any team which fails to submit an electronic copy of the memorials to reach the organisers on or before 30 June 2024 deadline may be disqualified.

Teams must submit hardcopies of their memorials (one for the Applicant, and one for the Respondent), upon registration. These copies should consist of the pages stapled together (no spiral-binding), with no additional cover, and no mention of their University.

The Steering Committee does provide computer and photocopying facilities to participants during the Competition.

Each team should have a compilation of the materials referred to in its memorials available during oral pleadings.

6.3 Memorial marking

Memorials are marked by independent experts in each language group prior to the Competition.

6.4 Best memorial

The teams with the four best memorials in the preliminary rounds, one Anglophone, one Francophone, and one Lusophone, based on the points indicated for memorial presentation, will be announced at the end of the Competition during the prize-giving ceremony.

6.5 Final round memorials

Each new combined team competing in the final round must prepare and submit a joint memorial by **18:00 on Friday 26 July 2024**. Late submission will incur a penalty.

This joint memorial is a two-page summary of finalists' memorials from the preliminary rounds. Once submitted, it will be translated into English, French, and Portuguese. The combined summary pleadings are submitted to the judges no less than three hours before the start of the final round.

6.6 The use of opposing teams' memorials

As far as the preliminary rounds are concerned, no team will be allowed to view in advance, or otherwise become privy to, the memorials of any other team before these are made available to them at the start of each session. The Steering Committee will make copies of the two separate memorials (used in the preliminary rounds) of the combined teams that qualify for the final round available to their opponents upon announcement of the teams qualifying for the final round. The summary memorial of each combined final-round team will be handed to the opposing combined team an hour before the commencement of the final.

7 ORAL PLEADINGS

7.1 General procedure

The order of pleadings will be Applicant team, Respondent team, rebuttal by Applicant team. All team members must act as oralists. **No team will plead for longer than 30 minutes (including rebuttal) during the preliminary rounds, quarterfinals and semi-finals. No team will plead for longer than 45 minutes during the final round. One oralist may not use more than 20 minutes during preliminary rounds, and 15 minutes during the final round. Rebuttal may not exceed 5 minutes.** Only the applicant has the right for rebuttal. Time for rebuttal should be reserved in advance.

7.2 *Ex parte* proceedings

Where a team fails to arrive for a scheduled round, the Steering Committee, after waiting for ten minutes, may announce a new team against which the other team will argue, or allow the round to proceed *ex parte*. In an *ex parte* proceeding, the attending team presents its oral pleading, which is scored by the judges. In such a case, the team that fails to arrive for the scheduled round will forfeit all of the round's points. If good cause is shown, the Steering Committee may arrange for an additional round for the absent team later during the Competition, and if time and administrative concerns permit. The Steering Committee may also, at its discretion, decide that an *ex parte* session will take place where special circumstances, such as translation difficulties, so require.

7.3 Scope of pleadings

The scope of a team's oral pleading is not limited to the scope of its memorial. The scope of the Applicant's rebuttal is limited to the scope of the Respondent's oral pleadings.

7.4 Scouting

No member of a team may attend a preliminary session involving a team if they are scheduled to compete against that team; whether before or after they encounter the team. Teams violating this rule may be disqualified. All rounds will be open to the public. Audio and video taping of oral pleadings is prohibited unless authorised by the Steering Committee and with the permission of the opposing team and the judges.

7.5 Oral and written communication

No oral or written communication may take place between team tables and any spectator during a round.

7.6 Absence from the courtroom

No team member will be allowed to leave the courtroom for the duration of the proceedings of a specific round in which he, she or they are taking part.

7.7 Best oralists

The names of at least the top three oralists in each of the preliminary rounds, based on the points indicated for oral arguments on the score sheets, will be announced at the end of the Competition during the prize-giving ceremony.

7.8 Final round

In the final round, teams will be scored exclusively on their oral pleadings.

8 CONFIDENTIALITY OF TEAM IDENTITY

Each team will be assigned a number before the start of the Competition and will, for the duration of the competition, be identified only by that number, to ensure anonymity. The identity of teams taking part during a specific session will not be divulged to the judges of any round before that session is completed.

9 ATTENDANCE OF THE ONE-DAY CONFERENCE ON HUMAN RIGHTS IN AFRICA

A One-day International Human Rights Conference on the African Human Rights System forms part of the Christof Heyns African Human Rights Moot Court Competition. The conference provides participants with a critical understanding of human rights issues across the continent. **Attendance at the conference for students is compulsory.**

10 LANGUAGES

Teams may present their memorials and oral pleadings in English, French and Portuguese. The preliminary rounds are conducted separately in English, French and Portuguese. Simultaneous interpretation will be made available in the final round according to the languages used. Other languages may also be accepted at the discretion of the Steering Committee.

All communication from / to the organisers will be conducted in English, French and Portuguese.

11 INTERPRETATION OF RULES

11.1 Prior to the Moot Competition

Prior to the Moot Competition, the rules will be interpreted by the Centre for Human Rights.

11.2 During the Competition

Any dispute that arises during the Competition that concerns the interpretation and application of these rules, or the general administration of the Competition, will be resolved by the Steering Committee. All decisions of the Steering Committee concerning questions of the interpretation and application of rules are final and dispositive.

The Steering Committee, in interpreting the Official Rules, may promulgate such other measures as may be deemed advisable for the orderly conduct of the Competition, provided that these measures do not violate the spirit of these Official Rules.

12 CLARIFICATION OF THE PROBLEM

Participants may submit written requests for clarification of points in the hypothetical case, which are manifestly unclear and which must be clarified in order for the participants to develop their pleadings.

Requests for clarification must be received by CHR by **30 April 2024**. Clarifications will be made available to all participants by **30 May 2024**. The onus is on each team to establish, before the submission of memorials, whether there has been any such clarification or alteration.

13 DISQUALIFICATION AND PENALTIES

13.1 Procedure

The Steering Committee has the power to disqualify a team on the basis of violations of these rules or the spirit of the competition. It also has the power to impose penalties, in the form of subtractions from the marks awarded, not exceeding 20 points for each violation. Judges may propose disqualification or penalties, but these measures will only take effect once endorsed by the Steering Committee.

When the question of disqualification or penalties arises, the Steering Committee, on its own motion or as a result of a team complaint, must ascertain the facts of the situation in order to determine whether an infraction has occurred. The team initiating the complaint must give timely notice to the Steering Committee and the accused team. If, on its own motion, the Steering Committee investigates a possible violation, it must give timely notice to the accused team. The accused team will be allowed to reply to the complaint(s) made. Where judges intend proposing disqualification or the imposition of penalties, they must inform the teams accordingly and give them time to respond at the end of each particular round.

Complaints pertaining specifically to oral pleadings must be submitted to the Steering Committee **within 30 minutes** of the completion of the round in which the alleged violation occurred. Memorial and oral pleading penalty points will be assessed against the total score given by the judges to the penalised team in the particular session.

13.2 Grounds

The Steering Committee may disqualify or impose a penalty against a team for behaviour which substantially prejudices the Competition, including, but not limited to the following:

- 1) Scouting;
- 2) late submission of prescribed memorials to the Steering Committee, or failure to submit memorials;
- 3) failure to meet memorial length and form requirements;
- 4) communication between counsel table and any person (other than judges) during the oral pleadings;
- 5) engaging in poor sportsmanship;
- 6) submitting petty, frivolous and verbose complaints;
- 7) submitting substantially ill-conceived requests for clarification of the problem;
- 8) revealing the identity of a team to the judges of a session before that session has taken place;
- 9) insufficient attendance of the one-day international human rights conference on human rights in Africa;
- 10) dishonesty or other serious breaches of the spirit of the Competition.

14 SCORING

Scoring must be done in accordance with the following documents (will be uploaded on the webpage):

- | | |
|---------------------------------|------------|
| • Instructions to Judges: | Appendix A |
| • Memorial cover page: | Appendix B |
| • Memorial scoring sheet: | Appendix C |
| • Oral pleadings scoring sheet: | Appendix D |